

To the Commission:

I wish to object in the strongest terms possible to the Commission's decision to exempt TV and radio station calls from the explicitly stated wishes of the many Citizens of the United States (including myself) who have registered with the National Do Not Call List.

I find these calls intrusive, offensive, and an outrageous invasion of the privacy of my home. At my end of the connection, they are no different than any other unsolicited call. And, unlike most other exempted calls, these serve not even the faintest purpose for the common good.

It's questionable whether any commercial enterprise can operate for the common good without a conflict of interest, but even that is not at issue here. Absent a court order, I doubt that any TV or radio station ever made calls to consumers to promote their public service messages, or the content (rather than the advertising) of their news shows.

Any commercial call by definition promotes the interests of that commercial entity, and any such call is by definition an implicit advertisement. At a minimum, its purpose is to promote awareness of the commercial enterprise, with the explicit goal of maintaining or increasing the bottom line. It's hard to believe that the Commission misunderstands why television advertisements are commonly referred to as 'commercials'.

How could any member of the Commission find it ethical to rationalize re-defining 'advertisement' or the commonly (and legally) understood purpose of commercial activity, as the appearance of the record seems to indicate? I'm convinced that if every member would take a few moments to read your own published words on this matter, you would all be mortified at the conspicuous lack of a supportable rationale.

If a call is unsolicited or doesn't in some way serve the common good, it is an unconstitutional invasion of the privacy of my home. It doesn't matter that some people might welcome the information offered, or even if I am the only one who finds it unwelcome; the Constitution expressly protects the rights of the minority of one. We have a right to expect that, prior to calling, every commercial enterprise will determine which potential recipients actually welcome the information offered, that they will call only those recipients, and they will make that determination without invading our privacy.

The public's understanding of the Do Not Call list is that it allows us to formally register our opinion that unsolicited information is not welcome, and we expect that personal opinion to stand regardless of how much a commercial organization believes otherwise. Is this not the Commission's understanding of the intent of the list?

Please consider the possibility that this is a mistake, and take steps to clarify your ruling by prohibiting all unsolicited commercial calls, even if the only apparent advertisement is the unavoidable implicit promotion of the calling commercial enterprise.

Sincerely,

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